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OFFICE OF PETITIONS

In re Application of :
Lee, et al. : DECISION ON APPLICATION
Application No. 10/523,804 : FOR PATENT TERM ADJUSTMENT
Filed: February 9, 2005 :
Atty. Dkt. No.: 1751-373 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT 37 CFR § 1.705(b)," filed January 22, 2008.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is hereby **GRANTED**.

The Determination of Patent Term Adjustment mailed November 20, 2007 indicated a PTA to date of 143 days. The instant application for PTA was timely filed. Applicants argue that the application is entitled to an additional adjustment of 67 days in connection with the mailing of the non-final Office action on May 8, 2007.

The correct PTA at the time of the allowance is 210 days.

Applicants do not contest the adjustment of 176 days or the reduction of 33 days. Instead, applicants argue that the application is entitled to an additional adjustment of 67 days in connection with the mailing of the non-final Office action on May 8, 2007.

Applicants arguments have been carefully reviewed and found convincing. A review of the record reveals that a the Office neglected to assess an adjustment of 67 days in accordance with 37 CFR 1.702(a)(2). The adjustment commenced March 3, 2007, the day after the date that is four months after the date that applicants' reply was filed, and ended May 8, 2007, the date that the non-final Office action was mailed. See, 37 CFR 1.703(a)(2).

In view thereof, at the time of allowance, the application is entitled to an adjustment of 210 days (Office delays totaling 243 days less applicants delays totaling 33 days).

The required PTA application fee of $200.00 has been charged to applicant's deposit account as authorized.

Applicants are further advised that the patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

The application file is being forwarded to the Office of Patent Publications for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kery A Fries

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Adjusted PAIR Calculation

Day : Thursday
Date: 6/12/2008

PALM INTRANET

Time: 11:04:35

PTA Calculations for Application: 10/523804			
Application Filing Date:	02/09/2005	PTO Delay (PTO):	176
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	33
Post-Issue Petitions:	0	Total PTA (days):	210
PTO Delay Adjustment:	67		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
44	06/12/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	67		
33	11/20/2007	MAIL NOTICE OF ALLOWANCE			
32	11/20/2007	MAIL EXAMINER'S AMENDMENT			
31	10/26/2007	ISSUE REVISION COMPLETED			
30	10/26/2007	DOCUMENT VERIFICATION			
29	10/26/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
28	10/19/2007	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
27	10/22/2007	EXAMINER'S AMENDMENT COMMUNICATION			
26	10/22/2007	NOTICE OF ALLOWABILITY			
25	10/05/2007	CASE DOCKETED TO EXAMINER IN GAU			
24	09/21/2007	DATE FORWARDED TO EXAMINER			
23	09/10/2007	RESPONSE AFTER NON-FINAL ACTION		33	19
22	09/10/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
21	05/10/2007	ELECTRONIC REVIEW			
20	05/09/2007	EMAIL NOTIFICATION			
19	05/08/2007	MAIL NON-FINAL REJECTION			
18	05/03/2007	NON-FINAL REJECTION			
17	02/09/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
16	11/02/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
15.7	11/02/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	11/02/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			

14	10/02/2006	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT	176		-1
13	09/28/2006	MISCELLANEOUS ACTION WITH SSP			
12	09/14/2006	CASE DOCKETED TO EXAMINER IN GAU			
11	10/03/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
10	02/09/2005	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
9.7	02/09/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	02/09/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	02/09/2005	PRELIMINARY AMENDMENT			
7	10/03/2005	CASE DOCKETED TO EXAMINER IN GAU			
6	09/29/2005	CLEARED BY OIPE CSR			
5	09/21/2005	CLEARED BY OIPE CSR			
4	02/09/2005	371 COMPLETION DATE			
3	09/14/2005	APPLICATION DISPATCHED FROM OIPE			
2	09/15/2005	NOTICE OF DO/EO ACCEPTANCE MAILED			
1	02/09/2005	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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